IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1295/06

Shri.Chandrakant Shivaji Patil & Ors. ...Applicants

V/s.

The state of Maharashtra ... Respondent

Ms.Shubhada Khot with Nitin Pradhan, Maheen Pradhan for the applicants.

Miss.Rajeshree M. Gadhavi APP for the State

CORAM : V.M. KANADE, J.
DATE : 02/05/06

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicants were arrested in connection with C.R.No.45/06 registered with Juna Rajwada Police Station, Kolhapur for the offences punishable U/s.143, 144, 148, 149, 452, 504, 506, 427, 120(B) of IPC.

3. It is alleged that the applicants went to the house of the complainant and ransacked his house and damaged household articles worth Rs.5,000/-. None of

the residents of said house were injured because they ran away from the house. It is alleged that the applicants were carrying deadly weapons i.e. Sword etc. It is the case of the prosecution that the applicants ransacked the house of the complainant because he was not willing to withdraw the complaint which was filed by him against the present applicants. Learned Counsel appearing on behalf of the applicants submitted that there was no occasion to pressurize the complainant to withdraw the complainants since both these complaints were N.C. Cases. It is submitted that on the contrary complainant and others had assaulted the accused and in the said assault one of the accused had suffered injury. There was fracture to Nasal. It is submitted that the chargesheet has been filed. Therefore, the applicant may be released on bail.

4. Learned APP appearing on behalf of the State vehemently opposed the application. She submitted that in respect of previous incident as alleged by the applicants, no complaint had been registered. She submitted that the applicant No.1, 2, 9, 13 & 15 were involved in the other cases and if the applicants are

released on bail, they are likely to tamper with evidence and threaten the witnesses.

5. I have perused the complainant and other papers. In the present case chargesheet has been filed. Admittedly no person was injured in the said incident. There was no occasion for the applicants to pressurize the complainant to withdraw the cases, admittedly because these cases have been registered as N.C cases.

6. Under these circumstances, the applicants are entitled to be released on bail subject to stringent conditions being imposed. The applicants, therefore, be released on bail in the sum of Rs.5,000/- each with one or two sureties in like amount. The applicant No.1, 2, 9, 13 & 15 shall not enter the jurisdiction of Kolhapur City during the pendency of the trial. They shall give new address to the Superintendent of Jail before they are released and report to the nearest Police Station from the new residence twice in a month.

7. Other applicants are released on bail in the sum of Rs.5,000/- each with one or two sureties in

like amount. They shall report to Juna Rajwada Police Station, Kolhapur once in a week till the disposal of the cases.

8. The applicants shall not tamper with the evidence or threaten the witnesses.

9. It is clarified that the applicants who have been restrained from entering Kolhapur City by this court are permitted to enter Kolhapur City in order to attend court cases.

10. If any complaint is received by I.O. against the present applicants, liberty is given to the Public Prosecutor to apply for cancellation of bail.

11. Trial court shall not be influenced by any observations made by this court while passing this order and the same may not be construed as an expression of opinion of the case and decide the case on its own merit and in accordance with law.

11. Application is accordingly disposed of.

V.M. KANADE, J.